

### **REMARKS/ARGUMENTS**

Preliminarily, as a matter of cleaning up the record, Applicants note that it is presumed that the citation to Schulte, *et al.* was inadvertently referenced, and is instead a residual citation from the last Official Action dated November 28, 2008, and not relied on for the present Official Action.

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 1-26 are pending.

Claims 1-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,258,766 ("Romack") in view of U.S. Patent 5,676,705 ("Jureller"). For at least the following reasons, the claims are believed to be patentable over the cited references.

As acknowledged by the Examiner (see present Official Action, page 3), Romack does not teach the conditioning agent of the present invention. Moreover, Romack also fails to teach or suggest a treatment medium for conditioning, much less a method for conditioning of textiles with such a treatment medium. Therefore, the Examiner relies on Jureller to cure Romack's noted deficiency.

First, it appears that the Examiner has confused the terms of "surfactant" and "conditioning agent". Specifically, Applicants wish to point out that neither Romack nor Jureller teach, suggest, much less mention, a conditioning agent – as in the pending claims. Rather, both Romack and Jureller discuss surfactants. Second, the broad and vast array of surfactants discussed within Jureller – all having what seems to be endless variations for each variable – are for use within cleaning treatments, not in conditioning treatments.

Third, the Examiner then suggests that it would have been obvious to the skilled artisan to selectively "pick and choose" the one set of limitations amongst the endless multitude of variations within one of the several surfactants formulas discussed in Jureller, specifically Jureller's surfactant formula (II). Applicants submit that such a suggestion is undercut by Jureller's efforts to single out particularly useful examples of compounds that fall within formula (II). Specifically, Jureller exemplifies compounds that either contain (1) multiple terminal alcohols, having aryl moieties, amine groups, amides, or sulfonic acid groups, etc., or (2) mono-terminating alcohols, having an internal ester, carbonate, or amide functional group (see col. 10,

line 34 – col. 12) – none of which are the conditioning agents of the pending claims, for example, as represented by structures of formula (I).

Fourth, the surfactant structure that the Examiner selectively “plucks out” from the multitude of structures theoretically possible from formula (II) within Jureller is not enabled – much less enabled to be used as a conditioning agent. For example, the cleaning treatment surfactants of Jureller include a plethora of various moieties, including, *inter alia*: various halogen-containing alkyls, aryls, carboxylic acids, terminal alcohols, sulfonic acids, amines, and siloxanes.

Therefore, Applicants submit that the Examiner’s suggestion that it would have been obvious to the skilled artisan to selectively choose a specific set of limitations within a vast listing of *surfactants* – to be used as a conditioning agent as in the pending claims - for substitution of Romack’s surfactant, is believed to be the result of a hindsight reconstruction, using the present application as a guide.

For at least the above-noted reasons, Applicants submit that the Examiner has failed to present a *prima facie* case of obviousness. Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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